

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – RWS&S Engineering Department – Sri V. Gopala Krishna, the then in-charge Superintending Engineer, RWS&S, Vizianagaram and now working as in-charge Superintending Engineer, RWS&S, Kurnool - Departmental proceedings under Rule 20 of APCS (C, C & A) Rules 1991 on the allegations of appointment Smt. T. Sakuntala, w/o late Suryanarayana, as Office Subordinate without consulting the Govt. – Article of charges – Issued.

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PANCHAYAT RAJ AND RURAL DEVELOPMENT (ESTT.I.1) DEPARTMENT

G.O.Rt.No. 76

Dated:10.01. 2014.

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O R D E R:

It is proposed to hold an enquiry against Sri V. Gopala Krishna, the then in-charge Superintending Engineer, RWS&S, Vizianagaram in accordance with the procedure laid down in Rule 20 of the A.P. Civil Services (CC& A) Rules 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-II & III).

3. Sri V. Gopala Krishna, the then in-charge Superintending Engineer, RWS&S, Vizianagaram, is directed to submit a written statement of his defence before the disciplinary authority within Ten (10) days of the receipt of this Order.

4. Sri V. Gopala Krishna, the then in-charge Superintending Engineer, RWS&S, Vizianagaram is informed that an enquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri V. Gopala Krishna, the then in-charge Superintending Engineer, RWS&S, Vizianagaram is further informed that, if he does not submit his written statement of defence on or before the time specified in para-3 above, further action will be processed based on the material available.

6. Attention of Sri V. Gopala Krishna, the then in-charge Superintending Engineer, RWS&S, Vizianagaram is invited to Rule 24 of the Andhra Pradesh Civil Service (Conduct) Rules, 1964 under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule. 24 of the Andhra Pradesh Civil Service (Conduct) Rules, 1964.

7. The receipt of G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

VIKAS RAJ  
SECRETARY TO GOVERNMENT (RWS&S)

To

The individual through Engineer-in-Chief, RWS&S, Hyderabad.  
The Engineer-in-Chief, RWS&S, Hyderabad  
(with a request to serve and return the acknowledged copy).  
SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER

## ANNEXURE – I

Statement showing the Article of Charge against Sri V. Gopala Krishna, the then in-charge Superintending Engineer, RWS&S, Vizianagaram.

### **CHARGE:**

That, Sri V. Gopala Krishna, while working as in-charge Superintending Engineer, RWS&S, Vizianagaram, has appointed Smt. T. Shakuntala, W/o late Suryanarayana, Ambedkar Colony, Mallampeta, Vizianagaram district as Office Subordinate on compassionate grounds without consulting the Government which is in violation of Government instructions issued in Memo.No.14203/Estt-IIA/2003, dt:8.5.2009..

### **BASIS:**

Sri (late) T. Suryanarayana worked as NMR worker in the Department, from 1.12.1982 to 20.6.1989 with a break of one day in every month. The individual was converted as watchman with effect from 21.6.1989 in the time scale of Rs.740-15-950-20-1150/- His pay was fixed in 1993 scales with effect from 1.1.1993 in the time scale of Rs.1375-2375/- and sanctioned annual grade increments for with effect from 1994-1997. Sri T. Suryanarayana expired on 28.1.1998. The deceased employee's wife Smt. T. Shakuntala has initially applied for appointment on compassionate grounds to the unit officer. Her request was not considered due to non-availability of vacancies, she has approached Tribunal in O.A.No.7215/1999. The Tribunal on 18.11.2002 while disposing the OA has directed the unit officers to examine the case of the applicant for compassionate appointment and pass appropriate orders. On the proposal of Engineer-in-Chief, Panchayat Raj, in Government Memo.No.6223/ Estt.II(2)/2003-5, dt:23.7.2003, he was informed that his proposal for extending the benefit of compassionate appointment to the work charged employees who have not completed 10 years of service was rejected.

Aggrieved by the above, Smt. T. Shakuntala filed O.A.No.7820/2003 with a request to direct the respondents to provide suitable employment on compassionate grounds by quashing the impugned Memo. No. 6223/Estt.II(2)/2003-5, dated:23.7.2003. The Hon'ble Tribunal in its orders dt:17.7.2006 have set aside the above orders and directed the respondents to consider the case of applicant for appointment of compassionate grounds to a suitable post.

In Govt. Memo.No.14203/Estt.II.A/2003-13, dt:8.5.2009, the Engineer-in-Chief, RWS, Hyderabad. Has been informed that since the deceased has not possessed any of the qualifications i.e., 5<sup>th</sup> class pass and Civil Defence Training Certificate or Home Guard Training Certificate for the post of Watchman, it is not possible to allow deemed regularization or to provide appointment to the dependents, in consultation with Finance Department/General Administration Department (Ser.G).

Aggrieved thereby, she has again approached the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad. The Andhra Pradesh Administrative Tribunal passed judgment in O.A.no.1718/2010, setting aside the Government Memo.No.14203/ Estt.II.A/2003-13, dated:8.5.2009, and consequential proceedings of Engineer-in-Chief in Letter.No.B1/1850/98, dt:5.1.2010, and directed the respondents to appoint the applicant to a suitable post on compassionate grounds, within a period of 3 months from the date of receipt of a copy of this order.

The Engineer-in-Chief, RWS&S, Hyderabad. Has been requested to inform why was the Tribunal not informed that a considered decision was already taken on the issue in another O.A. and to direct the concerned SE to consult Government Pleader and file affidavit duly explaining the entire chronology of events with a request to drop further action vide Government Memo.No.8986/ E.IIA/2012-1, dt:1.5.2012.

The Engineer-in-Chief, RWS&S has stated that the Superintending Engineer has reported that, legal opinion of the local Government Pleader was obtained with regard to the implementation of Tribunal orders. The local Government Pleader opined that the "Appointing authority can consider her application for compassionate appointment. Accordingly, she was appointed as Office Subordinate in the O/o the Superintending Engineer, RWS&S, Vizianagaram in the existing vacancy". The salary bill for the above individual was submitted to the Treasury. The DD, DTO, Vizianagaram has returned the bills duly stating as following:-

"Moreover now you have taken action for her compassionate appointment based on the directions of the Hon'ble Andhra Pradesh Administrative Tribunal, 28<sup>th</sup> March of 2012 in O.A.No.1718 of 2010 without intimation to the Government in absence of the long period of 12 months and also in the said O.A. Government is one of the respondent. Therefore the Tribunal orders should be circulated to the Government before the issue of the compassionate appointment and to get the administrative approval of the Government."

The above action of Superintending Engineer, RWS&S, Vizianagaram, in having appointed Smt. T. Shakuntala, W/o late Suryanarayana, as Office Subordinate on compassionate grounds without consulting the Government which is in violation of Government instructions issued in Memo.No.14203/Estt-IIA/2003-13, dt:8.5.2009, thus, he violated Rule (3) of APCS (Conduct) Rules, 1964.

Hence, the Charge.

VIKAS RAJ  
SECRETARY TO GOVERNMENT (RWS&S)

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## ANNEXURE II

List of documents by which the article of charge framed against Sri V. Gopala Krishna, the then in-charge Superintending Engineer, RWS&S, Vizianagaram.

1. Govt. Memo. No. 6223/Estt.II(2)/2003-5, dt:23.7.2003.
2. Govt. Memo.No.14203/Estt.II.A/2003-13, dt:8.5.2009.
3. Govt. Memo.No.8986/E.IIA/2012-1, dt:1.5.2012.
4. Proc.Rc.No.B1/B5/1850/98, dt:18.07.2012 of SE, RWS&S, Vizianagaram.
5. Lr.No.OP.II/RWS&S/9275/Comp.Appointment/2013, dt:7.3.2013 of the ENC, RWS&S, Hyd.
6. PA No.53/2012/B1, dt:26.09.2012 of DD, DT, Vizianagaram.

VIKAS RAJ  
SECRETARY TO GOVERNMENT (RWS&S)

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## ANNEXURE III

List of witnesses by whom the article of charge is framed against Sri V. Gopala Krishna, the then in-charge Superintending Engineer, RWS&S, Vizianagaram.

- NIL -

VIKAS RAJ  
SECRETARY TO GOVERNMENT (RWS&S)

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